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## Arizona Corporation Commission

## BEFORE THE ARIZONA CORPORATION COMMISSION

CARL J. KUNASEK

Chairman

JIM IRVIN

Commissioner

TONY WEST

Commissioner

JUN 04 1999

DOCKETED BY

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IN THE MATTER OF THE APPLICATION )  
OF U S WEST COMMUNICATIONS, INC. )  
FOR APPROVAL OF THE )  
RESALE AGREEMENT WITH )  
CONVERGENT COMMUNICATIONS )  
SERVICE, INC. )

DOCKET NOS. T-01051B-99-0194  
T-03628A-99-0194

DECISION NO. 61738ORDER

Open Meeting  
June 1 and 2, 1999  
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On April 13, 1999, U S WEST Communications, Inc. (U S WEST) filed an Application for approval of an Agreement for Service Resale between U S WEST and Convergent Communications Services, Inc. (Convergent).

2. The term of the Agreement runs from the date of Commission approval until March 18, 2001. The parties agreed to commence re-negotiation 160 days prior to the date of contract expiration.

3. The Agreement governs the terms and conditions under which U S WEST will resell its services to Convergent.

4. The Telecommunications Act of 1996 (1996 Act) directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provided for interconnection and resale agreements to be concluded by voluntary agreement. This resale agreement between Convergent and U S WEST was voluntarily negotiated, without resort to arbitration.

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1           5.       Under the terms of the Agreement, U S WEST will make certain local exchange  
2 services available to Convergent at prices contained within the Agreement and under the terms and  
3 conditions of the Agreement. Generally, U S WEST residential services will be made available to  
4 Convergent for resale at a 12 percent discount. Business services will be available at an 18 percent  
5 discount.

6           6.       According to the 1996 Act and State Rule, the Commission must approve voluntarily  
7 negotiated interconnection and resale agreements, if their provisions are non-discriminatory and in  
8 the public interest. U S WEST has asserted that the provisions of the U S WEST/Convergent  
9 Agreement are non-discriminatory and in the public interest. Staff has reviewed the Agreement and  
10 finds it to be non-discriminatory and in the public interest.

11           7.       Therefore, since there are no grounds for rejection of the Agreement pursuant to  
12 Section 252(e)(2)(A) of the 1996 Act, Staff recommends that the Commission approve the resale  
13 agreement between U S WEST and Convergent.

14                               CONCLUSIONS OF LAW

15           1.       U S WEST is an Arizona public service corporations within the meaning of Article  
16 XV, Section 2, of the Arizona Constitution.

17           2.       The Commission has jurisdiction over Convergent and U S WEST and over the subject  
18 matter of the application.

19           3.       The Commission, having reviewed the Application and Staff's Memorandum has  
20 determined that the resale agreement negotiated between U S WEST and Convergent meets the  
21 requirements of the 1996 Act including section 252(e)(2)(A) of the 1996 Act which governs  
22 approval of voluntarily negotiated agreements and is in the public interest.

23           4.       The Commission maintains jurisdiction over the subject matter of the Agreement and  
24 Amendments thereof, to the extent permitted pursuant to the powers granted the Commission by the  
25 Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules promulgated  
26 thereunder.

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ORDER

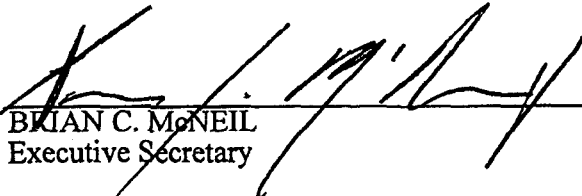
THEREFORE, IT IS ORDERED that the Commission hereby approves the resale agreement as filed by the parties on April 13, 1999.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

**BY ORDER OF THE ARIZONA CORPORATION COMMISSION**  
CHAIRMAN  
COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL,  
Executive Secretary of the Arizona Corporation  
Commission, have hereunto set my hand and caused the  
official seal of this Commission to be affixed at the  
Capitol, in the City of Phoenix, this 4<sup>th</sup> day of  
June, 1999.

  
BRIAN C. McNEIL  
Executive SecretaryDISSENT 

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